

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

LINDA P.,)	
)	
PLAINTIFF)	
)	
v.)	
)	CIVIL No. 2:19-cv-36-DBH
NANCY A. BERRYHILL, ACTING)	
COMMISSIONER, SOCIAL SECURITY)	
ADMINISTRATION,)	
)	
DEFENDANT)	

**ORDER AFFIRMING RECOMMENDED DECISION
OF THE MAGISTRATE JUDGE**

On April 5, 2019, the United States Magistrate Judge filed with the court, with copies to the parties, his Order Granting Leave to Proceed *In Forma Pauperis* and Recommended Dismissal of Case. The plaintiff filed an objection to the Recommended Decision on April 11, 2019. With her objection, the plaintiff attaches a March 25, 2019, Social Security Administration Office of Hearings Operations letter informing her that it will schedule a hearing and give her at least 75 days' notice. Pl.'s Objection, Attach. at 1 (ECF No. 13-1). She also states that she called Social Security and was told the hearing should occur around June 2019, and that when she receives the notice of the hearing date, she will be entitled to see the evidence in her file. Pl.'s Objection at 4 (ECF No. 13). Therefore, the Magistrate Judge's conclusion remains accurate: the plaintiff has not yet exhausted her administrative remedies and this Court does not yet have jurisdiction to hear the merits of her case.

I have reviewed and considered the Recommended Decision, together with the entire record; I have made a de novo determination of all matters adjudicated by the Recommended Decision; and, with the additional information I have referred to, I concur with the recommendations of the United States Magistrate Judge for the reasons set forth in the Recommended Decision and determine that no further proceeding is necessary.

It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **ADOPTED**. The plaintiff's application to proceed *in forma pauperis* is **GRANTED** and the plaintiff's complaint is **DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. § 1915(e)(2)(B) for failure to exhaust administrative remedies.

SO ORDERED.

DATED THIS 18TH DAY OF APRIL, 2019

/s/D. BROCK HORNBY
D. BROCK HORNBY
UNITED STATES DISTRICT JUDGE